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REMARKS

Applicants respectfully request that the following amendments be entered.

Claim Rejections – 35 USC 102(a):

In the Office Action, the Examiner has rejected pending claims 1-5, 7-15 and 17-20 as being anticipated by Colbow. The Examiner noted that pending claims 6 and 16 contained allowable subject matter in view of Colbow.

Claim 1 has therefore been amended to incorporate the limitation of original claim 6 into new claim 1. New claim 1 now provides in new step (e) the additional step of varying the oxidant feed rate so as to control the heating of the fuel cell. This is subject matter that was present in original claims 6 and 16. It was indicated in the Office Action that this subject matter rendered claim 1 allowable, subject to amendments to overcome other objections raised by the Examiner.

In view of this amendment to claim 1, original claims 6 and 16 are cancelled. The remaining claims 2-5, 7-15 and 17-20 all depend directly or indirectly on new claim 1 and therefore they also are allowable.

Claim Rejections – 35 USC 112:

The Examiner objected to pending claim 1 because the limitation “connecting an external circuit to the fuel cell thereby ceasing to operate the fuel cell in the open circuit state before the intermediate temperature equals the desired temperature” did not appear in the original description. Claim 1 has been amended to delete the matter “before the intermediate temperature equals the desired temperature”. The remaining matter “connecting an external circuit to the fuel cell thereby ceasing to operate the fuel cell in the open circuit state” finds support in the original disclosure at paragraphs 27 and 33.

The Examiner also objected to pending claim 1 due to the use of the terms “initial temperature”, “intermediate temperature” and “desired temperature”. The wording in claim 1 has now been amended to provide in step (a) that the fuel cell is at an initial temperature. In step (d), the fuel cell is heated to an intermediate temperature above the initial temperature. It

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is therefore submitted that new claim 1 now clearly sets out the different temperatures of the fuel cell.

For all these reasons, Applicants respectfully submit that new claims are now allowable.

A Petition for an Extension of Time requesting an extension of three months for filing the subject response is enclosed. The Commissioner is authorized to charge any deficiency or credit any overpayment in the fees for same to our Deposit Account No. 04-1928. A signed copy of this page is enclosed if required for this purpose.

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



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Dated: December 02, 2004